

27 March 1974

Congressional Budget Act of 1974  
Senate Version

1. Following is a brief summary of major provisions of the Congressional Budget Act of 1974 as recently passed by the Senate and as it is about to be considered by a conference committee. The House version passed in December, differs from it in details only except as discussed below in paragraph seven concerned with anti-impoundment questions.

2. Purpose of the bill: The bill is an attempt to give Congress the necessary mechanism and procedures to enable it to deal in a comprehensive way with the Federal budget proposed annually by the President. It would replace the present haphazard system, under which the various congressional committees pass authorization and appropriation bills which bear no relationship to any overall fiscal and resource allocation strategy. Within an overall framework it would require explicit consideration of a budget total, and a functional distribution within the total, before the authorization/appropriation process begins, as well as a reconciliation of all individual actions with that total (or a readjusted total) at the end of the cycle.

3. The basic provision of the bill is as follows: It would create a standing Budget Committee in both the Senate and the House which would be the focal point for all information and analyses relating to the formulation of a congressionally-recommended overall fiscal policy and budget priorities within that policy. The main function of the Committees would be to report two concurrent resolutions, one at the beginning of the congressional budget cycle and one at the end, to the House and Senate respectively. The first concurrent resolution would set forth appropriate levels of total new spending for the upcoming fiscal year and recommend a distribution of that spending, based on input from the Appropriations Committees, by major functional category. The resolution would set forth estimated revenues and a recommended level

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of surplus or deficit. Following enactment of this initial budget resolution, the new bill would require that the Committee on the Budget submit a report translating spending levels in each of several functional categories (such as health or national defense) into target levels for each individual appropriation bill to be considered in the normal appropriation process.

4. The new bill would also revise the present budget cycle. Whereas the Executive Branch now considers the budget for the forthcoming fiscal year during the months through January and submits it to Congress in early February, the new bill would require that the President first submit what would be called a "Current Services" budget on 10 November to the Congress. This budget would apparently consist of an appropriation by appropriation projection of how much it would cost to extend each program into the next fiscal year without any adjustment--that is if no policy changes were made. By 15 February the Congress would then receive--very much as now--the full President's budget, in essentially the format in which it is submitted today. By 1 April under the proposed law, all congressional committees would have to submit reports to the newly created Budget Committee as to what target spending levels should be established in each functional category. On the basis of this information, the two Budget Committees would each, by 1 May, report a first concurrent resolution setting an overall appropriation total and establishing spending priorities by functional category to their respective Houses. By 15 May all authorization bills would be reported by the various committees, and by 1 June action on the first concurrent resolution would be completed. The process then contemplates that all appropriation bills would be acted on by the various committees during the months of June and July. Thus congressional action on all specific appropriation bills would be completed by the first week in August. At that time the Budget Committee would perform its second major task which would be to report a second concurrent resolution, reflecting any desired adjustment in the overall total or the allocation of resources to functional categories within the total. If the total amount appropriated by Congress as a result of normal individual committee consideration of all pending appropriations bills should exceed the total agreed to in the second concurrent resolution, then the Budget Committee would be required to recommend where adjustments downward should take place. The process as envisaged would be complete by about 25 September and the fiscal year would begin on 1 October, instead of 1 July as at present.

5. The question of how Congress might keep itself to such a rigid schedule is recognized in the law itself in the establishment of fairly rigid rules as to the circumstances under which the concurrent resolutions will be debated, the length of the debate allowed, and in other ways.

6. To help the two new Budget Committees in their analysis of the President's budget, development of the budget resolutions, exercise of the "scorekeeping" function with respect to spending and revenue bills, and continuing evaluation of changing revenue conditions, the proposed Act would also create a Congressional Office of the Budget. The Office would also function to enable Congress to establish a center of expertise on larger policy considerations such as the impact of alternative levels of revenues and spending for the coming year.

7. Another major provision of the Senate bill is an anti-impoundment title amending the Antideficiency Act. It does this by limiting the justification which can be employed by the President to place funds in reserve. The present Antideficiency Act permits the President to create reserves of appropriations to provide for contingencies or to effect savings when such savings can be made because of changes in requirements, improved efficiency, or "other developments." The proposed new anti-impoundment title would provide that appropriated funds may not be reserved for fiscal policy reasons alone or in such a way as to prevent fulfillment of the full objectives and scope of programs enacted and funded by Congress. It would require that the Comptroller General be notified in advance whenever reserves are to be established, in order to be sure that the purposes for which the reserves are created are consistent with the Act. The House version takes a somewhat different tack, requiring the President to report in detail on any impoundment and providing that the Congress may specifically terminate any such impoundment by resolution of either House within 60 days.

8. The bill provides a transition period during which the new procedures described above would be adopted. The two Budget Committees and the Congressional Office of the Budget would be established upon enactment of the bill. The two Budget Committees could report their first concurrent resolution for Fiscal Year 1976 as a "dry run" in June 1975, but the new congressional budget process would take full effect for Fiscal Year 1977 beginning 1 October 1976.

9. The bill establishes a very complicated procedure and its full impact on us will not be clear without considerable more study. This should wait until final congressional action because some key provisions may be adjusted. Several possible areas of immediate impact can be identified now, however.

10. First, there is the schedule change and its possible impact on the resource review cycle. The shift to a fiscal year which begins on 1 October and which requires that the President's budget be submitted to Congress only two weeks later than at present suggests that our internal review cycle will need to stay as now but that our decision-making about the budget year will be somewhat further removed from reality than at present. For example, we will this year complete our reviews of 1975 and 1976 requirements in May and June at which time we will know in some detail what we did or did not get done this year, 1974. If the new procedure were applicable right away, we would complete our 1975-76 review in July, two months before the end of Fiscal 1974 on 30 September. In addition, the need for Executive Branch submission of a "Current Services" budget to the Congress in mid November will require us to gear up to meet this need, although I doubt this would involve a great deal of work. Offsetting these problems is the possibility that we and all Government agencies will have final appropriation actions in hand before the fiscal year begins, and that we should be able to predict with greater certainty when we will need to testify on our pending budget to the Congress before the Appropriations Committees. According to the schedule, this should take place only during June and July.

11. Second, the provisions which amend the Antideficiency Act will need to be examined carefully to be sure that our ability to use the contingency reserve can continue unimpaired. The bill would require that the Comptroller General be informed whenever a reserve is to be established in order that he can be sure that the terms of the Antideficiency Act as amended in this bill are not being violated. It would appear that a one-time finding by the Comptroller General might establish the legitimacy of our reserve procedures. It is probably time that consideration should be given to creating some favorable legislative history on this point, but this will need further examination.

12. Finally, another area in which we may expect some change is in the possible need to find a way to deal with the Congressional Office of the Budget and the new Budget Committees. As the Budget Committees

will have a role in establishing what the total target figures for Defense appropriations are, it is not unreasonable to assume that they will need, or want, to know something about the Defense appropriations bill within which CIA money is contained. We will need to find a way to cope with this.

  
Deputy Comptroller

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at a committee markup session, had violated its own rules. When Schroeder and William J. Randall (D Mo.) arrived at the committee's markup session, the committee had already voted, 18-16, in favor of deleting the provision, they asserted.

Randall, they charged, was allowed to record his vote against the motion, making the tally 18-17, but Schroeder, who also would have voted against it, was not permitted to record her vote.

"I have been on the committee...for 14 years and this was the first time I have ever heard a member denied the right to be recorded on a vote," Pike said.

F. Edward Hebert, committee chairman, denied that the committee had acted contrary to its rules or that Randall had been allowed to record his vote after the voting was concluded. The committee report on the bill indicated the provision had been rejected on an 18-16 vote.

Schroeder and others favoring the Senate provision said it would make the armed services more attractive to women and that the committee's action was contrary to the proposed equal rights amendment awaiting ratification by the states.

Samuel S. Stratton (D N.Y.), floor manager of the bill, and Hebert assured members who supported the concept of allowing women to attend the service academies that the committee would hold hearings on the issue.

Stratton, in explaining that the bill would result in cost savings, said the Defense Department had estimated that in fiscal 1973 it had spent \$43-million in bonuses for skills that would have been available without the bonus. The bill, he said, would give the department flexibility in granting bonuses that it did not have.

On the 237-97 recorded vote passing the bill, only three of the House's 16 female members voted for S 2771: Corinne C. Boggs (D La.), Julia Butler Hansen (D Wash.) and Marjorie S. Holt (R Md.).

Voting against the bill were, besides Schroeder, Bella A. Abzug (D N.Y.), Margaret M. Heckler (R Mass.), Elizabeth Holtzman (D N.Y.), Patsy T. Mink (D Hawaii), and Leonor K. Sullivan (D Mo.).

Seven did not vote: Barbara Jordan (D Texas), Ella T. Grasso (D Conn.), Edith Green (D Ore.), Shirley Chisholm (D N.Y.), Yvonne Brathwaite Burke (D Calif.), Cardiss Collins (D Ill.) and Martha W. Griffiths (D Mich.).

A two-thirds vote (222 in this case) is required to pass a bill under suspension. (*Vote 57, p. 779*)

#### Provisions

As passed by the House, S 2771:

- Modified the existing law by allowing up to \$15,000 in a selective re-enlistment bonus for those with critical skills in place of the variable and regular bonuses, which would be terminated.
- Expanded existing law to allow enlistment bonuses of up to \$3,000 for a four-year enlistment in any critical skill area in any service.
- Made the bill effective on the first day of the first month after enactment, with a termination date of June 30, 1977, to permit congressional review of the programs.
- Contained a hold-harmless provision to allow servicemen already on active duty to receive re-enlistment bonuses under either the old or new system.

#### Earlier Senate Action

S 2771 was reported (S Rept 93-659) by the Armed Services Committee Dec. 19, 1973, and passed by the Senate by voice vote Dec. 20. No opposition was expressed in the Senate. The amendment allowing women to enter the service academies was offered by William D. Hathaway (D Maine) and was approved by voice vote.

Hathaway said the amendment would help make the armed services more attractive to women. Chairman John C. Stennis (D Miss.) of the Armed Services Committee, floor manager of S 2771, and Strom Thurmond (R S.C.), a committee member, expressed approval of the Hathaway amendment.

#### Provisions

As passed by the Senate, S 2771:

- Modified existing law by allowing up to \$12,000 in a selective re-enlistment bonus for re-enlistments in critical skills in place of the existing bonus structure.
- Expanded existing law to allow enlistment bonuses of up to \$3,000 for a four-year enlistment in any critical skill area in any service.
- Made the bill effective Jan. 1, 1974.
- Allowed women to attend the service academies. ✓

#### BUDGET REFORM

**Senate—March 21, by an 80-0 roll-call vote, passed S 1541, reforming congressional budget procedures.**

In passing its own version of budget reform legislation, the Senate joined the House in an attempt to devise procedures giving Congress control over federal economic and spending policies.

Essentially similar to a budget reform measure (HR 7130) passed by the House in December 1973, S 1541 would create new budget committees and establish more orderly budget procedures to enable Congress to set budget policy goals and harness its decisions on separate spending programs to that framework. (*House action, 1973 Weekly Report p. 3174; Senate committee action, Weekly Report p. 679*)

While there were some differences—notably in provisions setting a budget-making timetable and putting controls on backdoor spending—between the House and Senate versions, both bills followed the same general approach in forcing Congress to adopt resolutions setting budget targets and to reconcile those targets and its separate spending measures before the fiscal year begins.

During four days of lengthy debate on S 1541, the Senate made no major changes in compromise budget-making procedures hammered out in the Rules and Administration Committee after the Senate Government Operations Committee reported the bill. The compromise was the result of negotiations among staff representatives of senators and committees concerned by the bill's sweeping revisions in the way Congress handles the President's budget proposals.

Majority Whip Robert C. Byrd (D W.Va.), who oversaw the reconciliation of Senate interests during the Rules Committee revision of S 1541, March 19 told the Senate that the compromise bill would establish "a new framework within which the existing decision-making processes will continue."

## Mansfield Reply to Nixon Charges

Replying to charges March 19 by President Nixon in Houston, Texas, that Congress had been sitting on 17 administration-backed energy bills, Senate Majority Leader Mike Mansfield (D Mont.) March 21 went to the defense of Congress by outlining the legislative action that had been taken on each of his 17 proposals.

He said the administration—not Congress—was the roadblock to passage of many of the bills at issue, and he added that the House or the Senate had already passed, or begun action on much of the legislation. "I would point out that the initiative, insofar as the energy legislation is concerned, has been in the Senate and was there long before the President sent up his first proposal," Mansfield said.

Focusing on the 17 legislative requests cited by Nixon in letters March 14 to both Mansfield and House Speaker Carl Albert (D Okla.), Mansfield said:

- Congress had included four of the proposals (windfall profit taxes on the oil industry, unemployment benefits for victims of the energy crisis, energy conservation and rationing and mandatory reporting of energy information) in the emergency energy bill (S 2589) which Nixon vetoed March 6. (*Story, Weekly Report p. 632*)
- Both houses had passed a bill (HR 11793), which was currently in conference, to create a Federal Energy Administration.
- Proposals to create an Energy Research and Development Administration (S 2744, HR 11510) and a Department of Energy and Natural Resources (S 2135, HR 9090) were stalled because of conflict between Roy Ash, director of the Office of Management and Budget, and William Simon, Federal Energy Office administrator.
- The Senate had passed legislation which was nearing the final stages in the House (S J Res 176, H J Res 832; S 425, HR 11500) to open the Elk Hills Naval Petroleum Reserves and provide minimum federal regulations on strip mining.
- A Senate committee had held hearings on one of his proposals: to deregulate natural gas (Senate Commerce Committee, S 2048, S 2506), and the Joint Atomic Energy Committee had held hearings on HR 11957, to revise nuclear licensing procedures.
- The Senate had passed legislation (S 1276) to require labeling of appliances and motor vehicles for energy usage, and the House Ways and Means Committee was considering legislation on three oil tax proposals (drilling investment tax credit, foreign depletion allowance and foreign tax credit).

• A Senate committee was scheduling hearings on the Mineral Leasing Act (S 1040) and was nearing mark-up on deep water port legislation (S 1761). (The Senate Interior and Insular Affairs Committee held hearings on S 1040 in March 1973 but took no further action; two House committees reported bills (HR 10701, HR 5898) in December 1973.

"In other words," Byrd continued, "I do not see this bill as in any way diminishing the role or inhibiting the operation of the Appropriations Committee...the Finance Committee, or of other authorizing committees."

With most concerns evidently satisfied by the Rules Committee compromise, four days of debate on S 1541 produced little controversy over provisions that would substantially alter both the pace and procedures with which Congress and its committees have customarily handled spending measures. With few senators on the floor—and even fewer reporters in the press gallery—proponents of the bill devoted most of the debate to explanations of how the Rules Committee compromises would work.

The Senate adopted several amendments, most by voice votes, but none made fundamental changes in the bill's budget-making procedures. The bill's managers accepted several of the amendments, which generally added qualifying language or made minor revisions in the bill's requirements.

By substantial margins, the Senate defeated amendments that would have made more fundamental changes in S 1541—some by liberals who wanted to loosen its budget-making requirements and some by fiscal conservatives who wanted to tighten the process. Standing by the Rules Committee compromise, the Senate rejected:

- By voice vote March 21 an amendment by Government Operations Committee member Sam Nunn (D Ga.) restoring that committee's original proposal requiring enactment of a triggering ceiling enforcement bill before appropriations bills could become law.
- By a 28-60 roll call on March 21 an amendment by William V. Roth Jr. (R Del.) replacing the bill's anti-impoundment provisions tightening the Anti-Deficiency Act of 1950 with language giving either the House or the Senate power to force the administration to spend impounded funds. (*Vote 74, p. 781*)
- By a 31-55 roll call on March 21 an amendment by Abraham Ribicoff (D Conn.) giving the Appropriations Committee an opportunity to recommend spending limits on new entitlement programs such as veterans or black-lung benefits but eliminating a requirement that entitlement legislation reported by an authorizing committee be referred to the Appropriations Committee for 10 days. (*Vote 75, p. 781*)
- By a 24-56 roll call on March 22 an amendment by Gaylord Nelson (D Wis.) and Walter F. Mondale (D Minn.) requiring rotation of membership on the Senate's budget committee, setting a six-year term for each member.
- By a 23-57 roll call on March 22 an amendment by Roth that would have restored the triggering procedure and required a two-thirds vote in both the House and Senate to raise the targets set in the first budget resolution. (*March 22 votes published in next Weekly Report*)

## Debate

While S 1541 as it came to the floor differed substantially from the bill reported by the Government Operations Committee, leaders of that committee played a role in managing floor debate on the compromise version.

The compromise bill, Government Operations Committee Chairman Sam J. Ervin Jr. (D N.C.), said March 19, "is not a hurried response to 'the battle of the budget'

but a product of deliberate and open process of debate and modification."

By failing to discipline its spending decisions to budget requirements, Ervin argued, Congress had lost power to the presidency. "A Congress that cannot control spending cannot effectively control the executive branch either," Ervin said.

As revised by the Rules Committee, added Charles H. Percy (R Ill.), the top-ranking Government Operations Committee Republican, the bill "creates a workable new process that will prove to be useful precisely because it does permit latitude for flexible responses to changing situations."

In modifying S 1541, the Senate adopted:

- By voice vote March 21 a Nunn amendment eliminating a provision permitting action on spending, revenue or debt bills after June 1 even if Congress had not adopted a budget resolution.

- By voice vote March 21 a Nunn amendment directing the budget committees to study the need for use of a triggering device before appropriations go into effect.

- By voice vote March 21 an amendment by Edward M. Kennedy (D Mass.) requiring Senate budget committee members to give up another major committee assignment if they continued to serve on the budget committee after 1977 rather than 1979.

- By voice vote March 21 an amendment by Mondale requiring budget hearings on the first budget resolution.

- By a 55-26 roll call on March 20 an amendment by Lawton Chiles (D Fla.) requiring that most Senate budget committee meetings be open to the public. (*Vote 72, p. 781*)

- By voice vote March 20 an amendment by William D. Hathaway (D Maine) requiring Congress to reconsider its budget totals by March 1 if revenue or spending estimates had changed by 3 per cent or more.

- By voice vote March 20 an amendment by Bill Brock (R Tenn.) directing the budget committees to continue studying possible improvements in budget procedures.

- By voice vote March 20 an amendment by George McGovern (D S.D.) directing the President to include in his budget, estimates for the advance funding of those programs whose funds were required to be appropriated one year before they were obligated.

## House Education Bill Delayed

Consideration of amendments to HR 69, a bill to amend and extend the Elementary and Secondary Education Act of 1965, was postponed at least one week by Speaker Carl Albert (D Okla.) March 18.

The delay was announced after William A. Steiger (R Wis.) objected to a March 14 request by Education and Labor Committee Chairman Carl D. Perkins (D Ky.) that the House put off consideration of amendments to the bill until March 26. The House was originally scheduled to begin consideration of amendments on March 19.

Perkins sought the postponement to give more time to members who wished to offer amendments to change the formula distributing funds for aid to disadvantaged children. Members had complained that the committee formula was unfair and that they did not have sufficient time to determine the effects of alternative proposals on the amount of aid that would be granted to states and local school districts. (*House debate, Weekly Report p. 700*)

As of March 19, Albert had not announced when the bill would be re-scheduled, but an Education and Labor Committee spokesman said the bill was expected to be considered March 26.

The Senate rejected two amendments by Harry F. Byrd (Ind Va.) that would have forced balancing of the federal budget. By a 29-57 roll call on March 20, the Senate defeated Byrd's amendment directing the President starting in fiscal 1976 to submit a balanced federal funds budget—excluding trust funds. (*Vote 29, p. 781*) By a 35-52 roll call on March 20, the Senate rejected Byrd's amendment requiring that each budget starting in fiscal 1976 be in full balance on a unified basis, including trust funds. (*Vote 73, p. 781*)

By a 48-29 roll call on March 22, the Senate tabled an amendment by Armed Services Committee Chairman John C. Stennis (D Miss.) exempting pay raises for Senate employees from budget resolution totals. ✓



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